

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

SUZANNE D. COYNE and
ROBERT J. COYNE, SR.,

Plaintiffs,

v.

CIV 15-0054 SCY/KBM

LOS ALAMOS NATIONAL SECURITY, LLC,
NICHOLAS DEGIDIO and GAIL MCGUIRE,

Defendants.

ORDER ON MOTIONS FOR SANCTIONS

THIS MATTER comes before the Court on Defendants' Motion for Sanctions for Failure to Obey Discovery Order and to Extend Discovery Deadline for Limited Purposes (*Doc. 97*). The Court considered the submissions of the parties as well as all pertinent authority, and heard oral argument on Friday, August 12, 2016. For the reasons stated at the hearing,

IT IS HEREBY ORDERED that Defendants' Motion is **granted in part**. No later than September 6, 2016, Plaintiffs shall produce any additional responsive documents that are in their possession and provide a sworn affidavit from each Plaintiff describing their document search efforts and certifying that no additional responsive documents exist. Plaintiffs shall also produce to the Court *in camera* a financial statement verifying their lack of funds to immediately pay the monetary sanctions imposed by this Court.

IT IS FURTHER ORDERED that Plaintiffs immediately supplement all initial disclosures and discovery responses that have not already been supplemented, including but not limited to providing new health releases for Plaintiff Robert Coyne.

IT IS FURTHER ORDERED that each Plaintiff shall submit to a third deposition, to be restricted to questioning about documents produced after their second depositions, with some leeway granted for questioning about discrepancies in Mr. Coyne's appointment calendars and other documents produced.

IT IS FURTHER ORDERED that Plaintiffs shall pay Defendants: (1) The costs of the second deposition of Suzanne Coyne on June 14, 2016, including any videographer costs; (2) the fees incurred in connection with the second deposition of Robert Coyne on May 24, 2016; (3) the costs and fees, including videographer charges, for a third deposition of each of the Plaintiffs, as described; and (4) the payments required by the Court's March 10, 2016, Order. At this time, the Court will hold in abeyance Defendants' request for the fees and costs associated with bringing this Motion. However, Plaintiffs are admonished that the requested fees and costs will be imposed should they fail to comply with this Order.

IT IS FINALLY ORDERED that the case management deadlines in this case shall be extended as follows:

- a) Termination date for discovery: October 2, 2016
- b) Motions relating to discovery to be filed by: October 9, 2016
- c) Pretrial motions other than discovery motions
(including those requiring Daubert hearing) filed by: October 23, 2016
- d) Pretrial Order: Deadline set by presiding judge


UNITED STATES CHIEF MAGISTRATE JUDGE